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RESOLUTION NO. 1096

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, STATING ITS INTENT TO VACATE 219TH STREET SW EAST OF 76TH AVENUE WEST AND WEST OF CERTAIN REAL PROPERTY KNOWN AS THE TOP FOODS PROPERTY, AND DESCRIBED HEREIN UPON THE FULFILLMENT OF CERTAIN CONDITIONS BY THE APPLICANT.

WHEREAS, Mastgech, LLC has applied to vacate a portion of 219th Street SW lying east of 76th Avenue West and west of the Top Food property as described in File No. ST-2004-130, and,

WHEREAS, a public hearing was held on the request by the Edmonds City Council on April 26, 2005, and

WHEREAS, at that hearing, the record contained a market data appraisal showing the value of the unencumbered right of way to be \$267,000, and

WHEREAS, based upon the staff's recommendation that the City retain a general utility easement, the encumbered value of the property is \$135,461, and

WHEREAS, state statute and ECDC Section 20.70.140 limit the City to a charge of one-half of the fair market value, resulting in a potential compensation to the City by the applicant upon vacation of \$67,731, and

WHEREAS, the City Council finds that there is no reasonable likelihood that the property will be needed for street right of way purposes and that public needs will be met by the retention of surface and sub-surface utility easements, now, therefore,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby states its intent to vacate that portion of 219th Street SW lying east of 76th Avenue West and west of the Top Foods property as shown on the attached Exhibit A and further described in File No. ST-2004-130, incorporated by this reference as fully as if herein set forth by ordinance if the following conditions are met within ninety (90) days.:

1.1 The ordinance of vacation reserves to the City surface and sub-surface utility easements; and

1.2 The sum of \$67,731 is paid to the City within ninety (90) days of the date of approval of this resolution.

Section 2. For its findings and conclusions, the City Council adopts the following:

2.1 Assuming retention of surface and sub-surface utility easements, the street right of way is surplus to the needs of the City.

2.2 The vacation is in the public interest in that returning unneeded property to the tax rolls increases the City's general revenues and relieves the City of the obligation to maintain unneeded, unnecessary street right of way and the liability which may attend thereto.

2.3 No property will be denied direct access as a result of the vacation.

2.4 The compensation of \$67,731 is reasonable compensation when determined in accordance with the fair market value of the parcel to be vacated, the restrictions placed upon said property by the reservation of surface and subsurface utility easements and the

limitations on compensation which the City may require as contained in state statute and City ordinance.

RESOLVED this 21st day of June, 2005.

APPROVED:

MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 06/17/2005
PASSED BY THE CITY COUNCIL: 06/21/2005
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